

ORIGINAL

1 LEONARDO M. RAPADAS
United States Attorney
2 ERIC S. O'MALLEY
Assistant United States Attorney
3 DISTRICT OF THE NORTHERN
MARIANA ISLANDS
4 Horiguchi Building, Third Floor
P.O. Box 500377
5 Saipan, MP 96950
TEL: (670) 236-2980

FILED
Clerk
District Court

RECEIVED

JAN 14 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

US MARSHALS SERVICE-CNMI

Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 03-00019
Plaintiff,)
vs.)
VINCENT D. CABRERA, JR.,)
Defendant.)
**WRIT OF HABEAS CORPUS
AD PROSEQUENDUM**

TO: Department of Public Safety
Division of Corrections
Holding Facility

This Court finds that VINCENT D. CABRERA, JR., is now in the custody of the Department of Public Safety, Division of Corrections Holding Facility, CNMI, and that said prisoner is required to appear before this Court for a violation hearing in the above captioned case.

IT IS HEREBY ORDERED that the Department of Public Safety, Division of Corrections Holding Facility, CNMI or his authorized agent, or any Federal law enforcement agent shall produce VINCENT D. CABRERA JR., before this Court on January 16, 2008, at 9:00 a.m., and whenever necessary hereafter to attend court appearances in the above-entitled case and upon

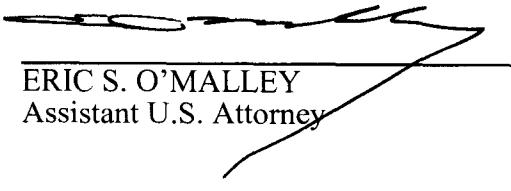
1 completion of said Court appearances and/or upon further order of the Court, return said prisoner to
2 his place of confinement.

3 SO ORDERED this 11th day of January, 2008.

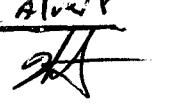
4
5 
6 ALEX R. MUNSON
7 Chief Judge
8 District Court of Northern Mariana Islands

9 SUBMITTED BY:

10 LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

11 By: 

12 ERIC S. O'MALLEY
13 Assistant U.S. Attorney

14
15 I HAVE SERVED THE WITHIN Writ
16 ON 01/11/08 @ 1500 (WRIT-ORDER)
17 (DATE & TIME) BY LEAVING WITH
18 (NAME & TITLE OF INDIVIDUAL SERVED)
19 CNMI Dept of Corrections (Classification)
20 J. G. Salas
B. USM CIDRM Calvert
21 DUSM 

22 # Could not carry out
23 writ as defendant
24 was released by
CNMI court order
on bond on 01/11/08
@ 1500 hrs

**COPY of
Original Filed
on this date**PROB 12C
(12/04)**UNITED STATES DISTRICT COURT****JAN 1 0 2008**

for

**Clerk
District Court
For The Northern Mariana Islands****District of Northern Mariana Islands****Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: Vincent David Cabrera, Jr. Case Number: CR 03-00019-001Name of Sentencing Judicial Officer: The Honorable Alex R. MunsonDate of Original Sentence: August 5, 2004

Original Offense: Distribution and Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1)

Original Sentence: 21 months incarceration and three years supervised release with the following conditions: The defendant shall not commit any federal, state, or local crime; the defendant shall not use or possess illegal controlled substances and shall submit to one urinalysis test within 15 days of release from custody and two more urinalyses thereafter; the defendant shall comply with the standard conditions of supervised release set forth by the U.S. Sentencing Commission; the defendant shall not possess a firearm or other dangerous weapon; the defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which may include testing to determine whether the defendant has reverted to the use of drugs or alcohol; and the defendant shall perform 300 hours of community service. Additionally, he was ordered to pay a \$100 special assessment fee. Conditions were modified on February 9, 2006 to include that the defendant submit to no more than eight drug tests per month.

Type of Supervision: Supervised Release Date Supervision Commenced: October 14, 2005Assistant U.S. Attorney: Craig Moore Defense Attorney: G. Anthony Long**PETITIONING THE COURT**

- To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. Arrest for Trafficking of a Controlled Substance and Possession of a Controlled Substance, in violation of 18 U.S.C. §3583(d).

Prob 12C
(12/04)

U.S. Probation Officer Recommendation:

- The term of supervision should be
 revoked.
 extended for _____ years, for a total term of _____ years.
- The conditions of supervision should be modified as follows:

*Please see attached Declaration in Support of Petition,
Re: Violations of Supervised Release Conditions; Request for a Summons,
submitted by U.S. Probation Officer Melinda N. Brunson.*

Reviewed by:

I declare under penalty of perjury that
the foregoing is true and correct.Grace Flores

GRACE D. FLORES
U.S. Probation Officer
Acting Supervision Unit Leader

Date: January 10, 2008Melinda N. Brunson

MELINDA N. BRUNSON
U.S. Probation Officer

Executed on: 1/10/08

THE COURT ORDERS:

- No action.
 The issuance of a warrant. *for 1-15-08 @ 9:00am*
 The issuance of a summons.
 Other.

Alex R. Munson
ALEX R. MUNSON
Chief Judge
District of the Northern Mariana Islands

1-10-08

Date

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 03-00019-001
)
)
Plaintiff,)
)
)
vs.)
)
VINCENT D. CABRERA JR.,)
)
)
Defendant.)
)

Re: Violations of Supervised Release Conditions; Request for a Summons

I, U.S. Probation Officer Melinda N. Brunson, am the U.S. Probation Officer temporarily assigned to supervise the Court-ordered conditions of supervised release for Vincent D. Cabrera Jr. during the absence of his assigned officer, U.S. Probation Officer Margarita Wonenberg, and in that capacity declare as follows:

On August 5, 2004, Vincent D. Cabrera Jr. was sentenced to 21 months of imprisonment followed by three years of supervised release for the offense of Distribution and Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1). His term of supervised release began on October 14, 2005. Mr. Cabrera is alleged to have committed the following, in violation of 18 U.S.C. §3583(d):

Special Condition: *The defendant shall not commit any federal, state, or local crime.*

On December 31, 2007, Mr. Cabrera was arrested by Department of Public Safety (DPS) Detective Peter Camacho pursuant to an arrest warrant. Mr. Cabrera is charged with the offenses of Trafficking of a Controlled Substance and Possession of a Controlled Substance, in violation of Title Six of the Commonwealth Code, Sections 2141 and 2142. Mr. Cabrera is currently being held at the Department of Corrections on a \$100,000 bond.

DECLARATION IN SUPPORT OF PETITION

Violations of Supervised Release Conditions; Request for a Summons

Re: CABRERA, Vincent D. Jr.

Criminal Case No. 03-00019-001

January 10, 2008

Page 2

DPS investigative documents in case number 07-9611 outlined the offense as follows:

On September 20, 2007, a cooperating source (CS) informed Detective Camacho that a male individual identified as Vincent Cabrera offered to sell him/her crystal methamphetamine, aka "ice." Cabrera allegedly told the CS that "ice" was available for purchase at any time. On that same day, DPS officers and a team of DEA Task Force Officers followed the CS to Cabrera's residence in Koblerville. Officers monitored while the CS placed an order for \$200 worth of "ice." Cabrera told the CS to meet him near the U.S. Post Office in Chalan Kanoa. The surveillance team followed the CS to the parking lot of the Moon Night Club in Chalan Kanoa. A short time later, Cabrera was observed driving up to the CS's car. Cabrera entered the CS's car, at which time the drugs and money exchanged hands. The surveillance team observed Cabrera exit the CS's car and drive away in his personal vehicle. The CS then met the surveillance at a prearranged location and relinquished a plastic bag containing a crystalline substance. The substance was sent to the DEA Southwest Laboratory in Vista, California and found to be 0.20 grams of Methamphetamine HCl, with a 97.9% purity level.

Supervision Compliance: Mr. Cabrera has otherwise been compliant with the conditions of his supervision. On August 5, 2004, he paid his \$100 special assessment fee. On November 8, 2005, he submitted to the collection of a DNA sample. On December 7, 2005, he completed his three mandatory drug tests. On November 28, 2006, he successfully completed a year-long drug counseling and testing program. Mr. Cabrera submits his monthly reports as required and prior to his arrest, was gainfully employed as a runner for the Saipan Health Clinic in Chalan Kiya. Mr. Cabrera has completed 260 hours of community service, and has an outstanding balance of 40 hours.

Recommendation: This Probation Officer respectfully requests that the Court issue a Summons for Vincent D. Cabrera Jr. to appear at a hearing scheduled by the Court, and during that hearing, he be held to answer or show cause why supervised release in this case should not be revoked, or for any reason or cause which the Court may deem just and proper pursuant to 18 U.S.C. § 3583.

Executed this 10th day of January 2008, at Saipan, MP, in conformance with the provisions of 28 U.S.C. § 1746.

DECLARATION IN SUPPORT OF PETITION

Violations of Supervised Release Conditions; Request for a Summons

Re: CABRERA, Vincent D. Jr.

Criminal Case No. 03-00019-001

January 10, 2008

Page 3

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

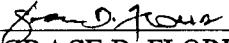
Respectfully submitted,

ROSSANNA VILLAGOMEZ-AGUON
Chief U.S. Probation Officer

By:


MELINDA N. BRUNSON
U.S. Probation Officer

Reviewed by:


GRACE D. FLORES
U.S. Probation Officer
Acting Supervision Unit Leader

cc: Craig Moore, Assistant United States Attorney
G. Anthony Long, Defense Attorney
File

VIOLATION WORKSHEET

1. Defendant Vincent David Cabrera Jr.

2. Docket Number (Year-Sequence-Defendant No.) Criminal 03-00019-001

3. District/Office Northern Mariana Islands

4. Original Sentence Date 08 / 05 / 04
month day year

(If different than above):

5. Original District/Office N/A

6. Original Docket Number (Year-Sequence-Defendant No.) N/A

7. List each violation and determine the applicable grade (see §7B1.1(b))

<u>Violation(s)</u>	<u>Grade</u>
---------------------	--------------

- Arrest for Trafficking of a Controlled Substance and Possession of a Controlled Substance. _____ A _____
- _____ _____
- _____ _____
- _____ _____

8. Most Serious Grade of Violation [see §7B1.1(b)] A

9. Criminal History Category [see §7B1.4(a)] I

10. Range of Imprisonment [see §7B1.4(a)] 12 to 18 months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

- (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Defendant: Vincent David Cabrera Jr.

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$)	<u>N/A</u>	Community Confinement	<u>N/A</u>
Fine (\$)	<u>N/A</u>	Home Detention	<u>N/A</u>
Other	<u>40 hours community service</u>	Intermittent Confinement	<u>N/A</u>

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 (see §§7B1.3(g)(1)).

Term: _____ to _____ years.

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment [see 18 U.S.C. §3583(e) and §7B1.3(g)(2)].

Period of supervised release to be served following release from imprisonment: 18 - 24 months

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

None.

15. Official Detention Adjustment (see §7B1.3(e)): 0 months 0 days